

WILLMAR CITY COUNCIL PROCEEDINGS
COUNCIL CHAMBERS
WILLMAR MUNICIPAL UTILITIES BUILDING
WILLMAR, MINNESOTA

August 4, 2003
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Lester Heitke. Members present on a roll call were Mayor Heitke, Council Members Ron Christianson, Bruce DeBlieck, Denis Anderson, Nancy Houlahan, Rick Fagerlie, Jim Dokken, and David Chapin; Present 8, Absent 1 – Council Member Doug Reese was excused from the meeting.

Also present were City Administrator Michael Schmit, Police Chief Jim Kulset, Fire Chief Marv Calvin, Public Works Director Mel Odens, Planning and Development Services Director Bruce Peterson, Community Education and Recreation Director Steve Brisendine, and City Clerk Kevin Halliday.

Council Member Christianson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of July 21, Municipal Utilities Commission Minutes of July 28, Rice Hospital Board Minutes of July 23, Planning Commission Minutes of July 23, and Zoning Appeals Board Minutes of July 28, 2003. Council Member DeBlieck seconded the motion, which carried.

At 7:02 p.m. Mayor Heitke opened a hearing on an Ordinance Amending Willmar Municipal Code §3-83 Which Regulates Hours and Days of Sale for On-sale Liquor Establishments. City Administrator Schmit explained details of the proposed Ordinance which references State Statute allowing on-sale liquor establishments to remain open until 2:00 a.m. It was staff's recommendation to adopt the Ordinance stating a 1:00 a.m. closing, which will develop consistency with closing times for all establishments, address the public safety issues, and minimize the need for Police Officer overtime potentially caused with a later closing time. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the meeting at 7:05 p.m.

Council Member Christianson offered a motion to adopt, assign a number and order final publication of the Ordinance Amending Willmar Municipal Code §3-83 Which Regulates Hours and Days of Sale for On-sale Liquor Establishments. Council Member Chapin seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Mayor Heitke recognized Al Erickson, representing Springsted, Inc., who presented details of the negotiated sale of bonds. The \$600,000 General Obligation Improvement Bonds, Series 2003A, sold to the low bidder of Cronin & Company, Inc. for a true interest rate of 3.7132 percent. The \$1,560,000 General Obligation Waste Treatment Plant Refunding Bonds, Series 2003B, sold to the low bidder of Commerce Bank, N.A., for a true interest rate of 2.4156 percent.

Resolution No. 1 was introduced Council Member Anderson, seconded by Council Member Houlahan, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 1

**ACCEPTING OFFER ON THE SALE OF \$600,000 GENERAL OBLIGATION
IMPROVEMENT BONDS, SERIES 2003A, AND PROVIDING FOR THEIR ISSUANCE**

(For Resolution in its entirety, see City Council proceedings file)

dated August 4, 2003, located in the City Clerk's Office)
Resolution No. 2 was introduced Council Member DeBlieck, seconded by Council Member Houlahan, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 2

ACCEPTING OFFER ON THE SALE OF \$1,555,000 GENERAL OBLIGATION REVENUE WASTE TREATMENT PLANT REFUNDING BOND, SERIES 2003A, AND PROVIDING FOR THEIR ISSUANCE

(For Resolution in its entirety, see City Council proceedings file
dated August 4, 2003, located in the City Clerk's Office)

Mayor Heitke acknowledged that no one had signed up to address the City Council during its scheduled Open Forum.

The Finance Committee Report for July 28, 2003, was presented to the Mayor and Council by Council Member Anderson. There were eight items for Council consideration.

Item No. 1 YMCA representatives had previously approached the Committee to request consideration to write off outstanding special assessments on additional property the YMCA intends to buy for future expansion purposes. The additional eight acres have eight years of assessments remaining, totaling \$5,975.22.

The Committee discussed the likelihood of a YMCA purchase regardless of Council action, the successful membership drive to date, the impact of any decertification of assessments on pending debt service requirements, budget deficit issues and the Council's prior contributions to the YMCA project in the way of street and utilities improvements.

The Committee reiterated its general support of the YMCA project; however, due to current funding circumstances, felt it was inappropriate to waive existing assessments, and was recommending to the Council to deny the request of the YMCA for decertification of remaining assessments. Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member Chapin seconding the motion, which carried.

Item No. 2 Staff advised the Committee that all the properties in the Lee Don Addition have now been sold. Pursuant to a previous Committee discussion whereby the Council agreed to use useful life calculations for the purposes of determining new assessment amounts, staff was recommending revised assessments totaling \$98,996.91. \$64,000 of that total would be provided to the City through the sale of property and the remaining amount recertified to the County for collection. David and Cynthia Graves have agreed to purchase five of the parcels and have waived their right to an assessment hearing. David and Jane Bond have purchased the remaining four parcels, and staff is attempting to contact them for purposes of waiving assessments or scheduling a hearing date.

Staff informed the Mayor and Council that a computation error was discovered and was recommending to take no action pending the correction of the assessment amount and contact with the new property owners. This matter was for information only.

Item No. 3 The Committee considered a proposed resolution appointing and designating the Commissioner of Transportation as the agent for the City of Willmar for the purposes of carrying out federally-funded airport improvement projects. The agency agreement is required for each phase of airport federal grants.

The Committee was recommending the Council introduce a resolution designating the Commissioner of Transportation as the City's agent for the purposes of administering federal grants for the Willmar airport project. Resolution No. 3 was introduced by Council Member Anderson, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 3

APPOINTING AND DESIGNATING THE COMMISSIONER OF TRANSPORTATION AS AGENT FOR CITY OF WILLMAR

BE IT RESOLVED that for the purpose of carrying out federally-funded airport improvement projects, the Municipality does hereby appoint and designate the Commissioner of Transportation of the State of Minnesota as its agent and authorizes the Commissioner or the Commissioner's duly authorized representative:

1. To prepare and submit the Application for Federal Assistance to the Federal Aviation Administration (FAA).
2. To accept, receive, receipt for, and disburse any monies, either public or private, on behalf of the Municipality, including money received from the United States or from the State of Minnesota, and to deposit such monies with the State Treasurer.
3. To pay to the Municipality any amount of such money received as may become due under the Municipality's contracts in accordance with federal laws, rules, and regulations and applicable laws of this State.

BE IT FURTHER RESOLVED that the Municipality has reviewed and understands the FAA's "Terms and Conditions of Accepting Airport Improvement Program Grants."

Dated this 4TH day of August, 2003.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 Staff explained to the Committee that the City had received an additional \$3,060.12 for regular overtime as a result of the City's Safe and Sober grant program. The Police Department's regular overtime budget should be increased by a like amount to cover the additional costs.

The Committee was recommending the Council introduce a resolution amending the Police Department overtime budget as proposed. Resolution No. 4 was introduced by Council Member

Anderson, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 4

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to amend the General fund:

Increase:	Estimated Revenues – Grant Revenue	\$3,061.00
Increase:	Appropriations, Police – Overtime	\$3,061.00

Dated this 4TH day of August, 2003.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 As part of the 2004 budget planning and development process, staff reviewed with the Committee current reserve and designated fund balances including discussion of the General Fund, Industrial Development Fund, WRAC-8, CVB, and Community Investment funds. This item was for information only.

Item No. 6 The Committee reviewed a proposed agreement from the Dorothy A. Olson Fund of the Minnesota Foundation approving \$1.2 million for construction of the proposed Aquatic Center. Following discussion, the Committee was recommending the Council introduce a resolution accepting the grant and authorizing the Mayor and City Administrator to sign on behalf of the City.

Resolution No. 5 was introduced by Council Member Anderson, seconded by Council Member Chapin, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 5

WHEREAS the City of Willmar has been awarded a grant in the amount of \$1.2 million for construction of a proposed Aquatic Center;

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator be authorized to enter into an agreement and amendments as necessary between the City of Willmar and Dorothy A. Olson Fund of the Minnesota Foundation.

Dated this 4TH day of August, 2003.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 7 Council Members Chapin and Anderson reported on a meeting with the Baseball Boosters to discuss the concept of new grandstands, fencing and other field improvements to Baker Diamond at Swansson Field. The Baseball Boosters are continuing to gather more detailed information regarding proposed improvements and costs and will be invited to present their findings to the Committee at a later date. In the meantime, City staff will do some preliminary work on available funding, project scheduling and handicapped access issues. This matter was for information only.

Item No. 8 The Committee reviewed monthly and/or quarterly reports for Pioneerland Library, Rice Hospital Financial and various City investment activities. This matter was for information only.

The Finance Committee Report for July 28, 2003, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Anderson, seconded by Council Member Chapin, and carried.

The Public Works/Safety Committee Report for July 29, 2003, was presented to the Mayor and Council by Council Member Christianson. There were nine items for Council consideration.

Item No. 1 The Committee considered a request from First Baptist Church to block off 11th Avenue SE between the Church and Junior High athletic field on August 20, from 3:30 p.m. to 8:00 p.m. and August 21, 2003, from 3:30 p.m. to 5:30 p.m. The Church will be having day camps and using the athletic field for activities, and this would allow for safe crossing for participants.

The Committee was recommending to the Council approval of the temporary street closure request as presented. Council Member Christianson moved to approve the recommendation of the Public Works/Safety Committee with Council Member Anderson seconding the motion, which carried.

Item No. 2 Josh Jensen of Infinia Health Care appeared before the Committee to request a partial street closure from 4:00 p.m. to 7:00 p.m. on August 19, 2003, west of the facility along Russell Street to allow for a block party with area residents.

The Committee was recommending to the Council approval of the temporary street closure request as presented. Council Member Christianson moved to approve the recommendation of the Public Works/Safety Committee with Council Member Anderson seconding the motion, which carried.

Item No. 3 The Committee reviewed design for the pool parking lot which provides access from both 15th Avenue and 22nd Street. The bituminous lot would occupy 100 spaces and be constructed with curb, gutter, and storm sewer. Staff recommended advertising for bids to allow the construction this fall which includes the first lift of bituminous. The Public Works Department would plant trees next spring.

The Committee was recommending to the Council approval of the plans and specifications with a July 1, 2004, completion date and to advertise for bids. Resolution No. 6 was introduced by Council Member Christianson, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

Resolution No. 6

WHEREAS the City Engineer of the City of Willmar has presented to the City Council plans and specifications for Project No. 0310 –the Pool Parking Lot for the City of Willmar;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Willmar that:

Final plans and specifications are hereby approved, and publication of the advertisement for bids is herewith authorized. Bids will be publicly opened and read at 1:00 p.m. on the 2nd day of September, 2003, at the City Office Building, 333 Southwest Sixth Street, Willmar, Minnesota.

Dated this 4TH day of August, 2003.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 The Committee reviewed the final pay request for the 2002 Street Lighting Project No. 0204 to Willmar Municipal Utilities. Staff recommends acceptance of the project. The Committee was recommending the Council accept the project as completed and authorize final payment.

Resolution No. 7 was introduced by Council Member Christianson, seconded by Council Member Houlahan, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 7

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

PROJECT NUMBER: 0204

IMPROVEMENT: 2002 Street Lighting Improvements

CONTRACTOR:	Willmar Municipal Utilities
DATE OF CONTRACT:	August 9, 2002
BEGIN WORK:	September 6, 2002
COMPLETE WORK:	July 3, 2003
APPROVE, CITY ENGINEER:	July 9, 2003

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that:

1. The said Project No. 0204 be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$35,760.00
Change Orders (None)	

FINAL NET CONTRACT AMOUNT, PROPOSED:	\$35,760.00
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ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$35,591.53
Less Previous Payments (Est. 1 & 2)	\$27,524.99

FINAL PAYMENT DUE CONTRACTOR:	\$8,066.54
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Dated this 4TH day of August, 2003.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No.5 The Committee considered two change orders for the Airport Project. Staff presented Change Order No. 1 with Sorenson Brothers addressing additional costs associated with revising several drainage issues and the relocation of an entrance road in the amount of \$3,489.90. The entrance road is being relocated to better match the building layout and has been approved by the Airport Commission.

The Committee was recommending to the Council approval of Change Order No. 1 as presented. Resolution No. 8 was introduced by Council Member Christianson, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 8

WHEREAS, a contract has been awarded to Sorenson Brothers. of Albert Lea, Minnesota, on September 18, 2002 in the amount of \$2,065,621.47 for Project No. 0205 grading improvements at the new airport facility; and

WHEREAS, it is desired to add additional work to the above contract for revising the location and size of Culvert #3; removing Manhole #4 and 700 LF of PE pipe from the contract; replacing Manhole #3 with a 48" Manhole structure; adding 1060 LF of coarse filter aggregate around 18" Perforated PE Pipe to the contract; and removing Culvert #7 and the temporary 18" PE pipe at the entrance road from the contract.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that:

1. Additional work is herewith authorized to be added to the above contract in the amount of \$3,489.90 and identified as Change Order No. 1.
2. Funding for the additional work is from Airport Improvement Project Budget with the latest revision on May 5, 2003.

Dated this 4TH day of August, 2003.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Staff informed the Committee that HNTB received a request from Sorenson Brothers to extend the Airport grading project completion date from August 1 to October 1, 2003. Sorenson Brother's reason for the request cites delays in the notices to proceed due to the land acquisition process, crop removal as well as wet weather conditions.

The Committee was recommending to the Council approval Change Order No. 2 extending the project completion date. Resolution No. 9 was introduced by Council Member Christianson, seconded by Council Member Dokken, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 9

WHEREAS Sorenson Bros. of Albert Lea, Minnesota, contractor for the City of Willmar Airport Grading Improvements (Project No. 0205) desires to have the completion date changed to October 1, 2003; and

WHEREAS it has been determined that the late issuance of a Notice to Proceed and wet weather conditions delayed construction.

NOW THEREFORE BE IT RESOLVED that the completion date for Project No. 0205 is hereby changed to October 1, 2003.

Dated this 4TH day of August, 2003.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 6 The Committee reviewed an agreement received from the State of Minnesota Department of Aeronautics for two-thirds participation in annual airport operation and maintenance costs with a not-to-exceed figure of \$43,362.00. The term of the agreement is two years.

The Committee was recommending to the Council approval the grant agreement as presented and authorize the Mayor and City Administrator to sign on behalf of the City. Resolution No. 10 was introduced by Council Member Christianson, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 10

AUTHORIZATION TO EXECUTE
MINNESOTA DEPARTMENT OF TRANSPORTATION
GRANT AGREEMENT FOR AIRPORT MAINTENANCE AND OPERATION

BE IT RESOLVED by the City Council of the City of Willmar as follows:

1. That the State of Minnesota Agreement No. 85400, "Grant Agreement for Airport Maintenance and Operation at the Willmar Municipal Airport," is hereby accepted.
2. That the Mayor and City Administrator are authorized to execute this Agreement and any amendments on behalf of the City of Willmar.

Dated this 4TH day of August, 2003.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 7 Staff requested permission to apply in collaboration with Kandiyohi County and the City of Atwater to the Department of Public Safety for the yearly Safe and Sober Grant. The grant designates extra money to allow additional officers on the streets and highways to work traffic enforcement during times that our normally scheduled officers are busy with calls for service. There is no cash match and the amount being applied for is \$26,600.

The Committee was recommending to the Council approval of the application and allow the City to enter into a grant agreement. Resolution No. 11 was introduced by Council Member Christianson, seconded by Council Member Houlahan, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 11

AUTHORIZING EXECUTION OF AGREEMENT

BE IT RESOLVED that the Willmar Police Department enter into a grant agreement with the Minnesota Department of Public Safety, Office of Traffic Safety for the project entitled "Safe and Sober Communities" during the period from October 1, 2003, through September 30, 2004.

BE IT FURTHER RESOLVED that Jim Kulset, Chief of Police, is hereby authorized to execute such agreements and amendments as are necessary to implement the project on behalf of the Willmar Police Department.

BE IT FURTHER RESOLVED that the Kandiyohi County Auditor/Treasurer is hereby authorized to be the fiscal agent and administer the grant on behalf of the Willmar Police Department.

Dated this 4TH day of August, 2003.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 8 Staff updated the Committee on the successful confirmation of three grants applied for this year that have been awarded to the City. These grants will be used to purchase firefighting equipment. The first grant for \$14,476 will be used to purchase four SCBA's, the second grant is for \$77,000 for a Deacon Trailer, and a third for \$116,170 to purchase 23 sets of firefighter gear. This matter was for information only.

Item No. 9 The Committee considered a request from the Experimental Aircraft Association for permission to use the Willmar Airport to host the annual Willmar Airfest scheduled for August 31, 2003. The Committee was recommending to the Council approval of the request to as presented. Council Member Christianson moved to approve the recommendation of the Public Works/Safety Committee with Council Member Dokken seconding the motion, which carried.

The Committee was also asked to consider any funding to support the Airfest as done in past years. The Committee was recommending to the Council to direct staff to research funding options in support of the Willmar Airfest with a not-to-exceed figure of \$4,000. Council Member Christianson moved to approve the recommendation of the Public Works/Safety Committee with Council Member Dokken seconding the motion, which carried.

The Public Works/Safety Committee Report of July 29, 2003, was approved as presented and ordered placed on file in the City Clerks' Office upon motion by Council Member Christianson, seconded by Council Member Anderson, and carried.

City Administrator Schmit informed the Mayor and Council that bids were received on Thursday, July 31, 2003, for the Aquatic Center Project and all bids exceeded the consultant's estimate. It was staff's recommendation to reject the bids and pursue re-bidding the project on a different schedule. Following discussion, Council Member Christianson moved to reject the bids with Council Member Chapin seconding the motion, which carried.

Public Works Director Odens informed the Mayor and Council that HNTB has prepared plans and specifications for the 2003 Airport Grading Improvements, Phase II. It was staff's recommendation that the plans and specifications be approved and advertisement for bids authorized. Resolution No. 12 was introduced by Council Member Christianson, seconded by Council Member Chapin, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 12

WHEREAS the consulting engineer for the City of Willmar has presented to the City Council plans and specifications for the 2003 Airport Grading Improvements (Phase II) for the City of Willmar;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Willmar that:

Final plans and specifications are hereby approved, and publication of the advertisement for bids is herewith authorized. Bids will be publicly opened and read at 10:00 a.m. on the 3rd day of September, 2003, at the City Office Building, 333 Southwest Sixth Street, Willmar, Minnesota.

Dated this 4TH day of August, 2003.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Planning and Development Services Director Peterson presented to the Mayor and Council a Final Plat for Beckel Addition, a one-lot commercial plat located west of the Holiday Inn. It is the proposed site of a new office building for Bolton and Menk Engineers. It was noted the Planning Commission has approved the plat on the condition the City be given a copy of the access easement for the Holiday Inn and the 10-foot easements on the plat be labeled as utility easements. Council Member Anderson moved to approve the Final Plat for Beckel Addition with the conditions recommended by the Planning Commission. Council Member Chapin seconded the motion, which carried.

Planning and Development Services Director Peterson presented to the Mayor and Council a Preliminary Plat for Menard's Addition, a three-lot plat with outlots for access. The plat includes F & S Furniture and Schwanke Tractor Museum and is the future site of the Schwanke Tractor business and Menard's store. It was noted the Planning Commission has approved the plat with conditions relating to easements, drive access widths, declarations and plat identification. Council Member DeBlieck moved to approve the Preliminary Plat for Menard's Addition with the conditions recommended by the Planning Commission. Council Member Anderson seconded the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Finance, August 11; and Public Works/Safety, August 12, 2003.

Mayor Heitke announced the following upcoming community events: Kandiyohi County Fair; Blue Line Club fundraiser: Celebrate Arts/Celebrate Coffee art project's unveiling; and WEAC fundraiser.

There being no further business to come before the Council, the meeting adjourned at 8:00 p.m. upon motion by Council Member Christianson, seconded by Council Member DeBlieck, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL